



LAHIVE
&
COCKFIELD
LLP

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1784
TELEPHONE (617) 227-7400
FAX (617) 742-4214
www.lahive.com

JOHN A. LAHIVE, JR. (1928-1997)
THOMAS V. SMURZYNSKI
GIULIO A. DeCONTI, JR.
ELIZABETH A. HANLEY
AMY BAKER MANDRAGOURAS
ANTHONY A. LAURENTANO
KEVIN J. CANNING
JANE E. REMILLARD
DeANN FORAN SMITH
DEBRA J. MILASINCIC, Ph.D.
MEGAN E. WILLIAMS, Ph.D.
WILLIAM A. SCOFIELD, JR.
SIBLEY P. REPERT
JOHN D. LANZA
DAVID R. BURNS
JOHN S. CURRAN
SEAN D. DETWEILER
HATHAWAY P. RUSSELL *
MARIA LACCOTRIPE ZACHARAKIS, Ph.D.

DANIELLE L. HERRITT
EUIHOON LEE **
MANEESH GULATI
CYNTHIA M. SOROOS
PETER W. DINI, Ph.D.
MICHAEL J. BASTIAN, Ph.D.
CHRISTOPHER J. McKENNA
VINCENT P. LOCCISANO
JAMES M. McKENZIE
CYNTHIA M. GILBERT
LEIGH J. MARTINSON
JILL R. GORNY

SENIOR COUNSEL
JAMES E. COCKFIELD

OF COUNSEL
JEREMIAH LYNCH
JEANNE M. DIGIORGIO
CYNTHIA L. KANIK, Ph.D.

PATENT AGENTS
JONATHAN M. SPARKS, Ph.D.
CRISTIN E. HOWLEY, Ph.D.
JILL ANN MELLO, Ph.D.
CHRISTOPHER E. DRABIK
JAMES H. VELEMA
JACOB G. WEINTRAUB
BRIAN C. TRINQUE, Ph.D.

TECHNICAL SPECIALISTS
CATHERINE M. BISHOP
DEBORAH L. NAGLE, Ph.D.
ANNE JACQUELINE WIZEMAN, Ph.D.
CHRISTOPHER R. COWLES, Ph.D.
W. ELANA WANG
MEAGHAN L. RICHMOND, Ph.D.

* Admitted in TX only
** Admitted in CT only

03-16-05

TFW

March 11, 2005

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Re: U.S. Patent Application No.: 10/780,907
For: *ANAESTHETIC BONE CEMENT*
Inventors: David M. Bond, *et al.*
Filed: February 17, 2004
Our Ref. No.: PQI-008CPCN2

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Information Disclosure Statement; (2 pages, in duplicate)
2. PTO Form SB/08; (3 pages)
3. A copy of the selected reference cited in PTO Form SB/08;
4. A Return Postcard.

No additional costs are believed to be due in connection with the filing of this Information Disclosure Statement. However, please charge any necessary fees in connection with the enclosed statement to our Deposit Order Account No. 12-0080. For this purpose, a duplicate of this sheet is attached.

I hereby certify that this correspondence is deposited with the U.S. Postal Service as Express Mail Airbill No. EL 982740120 US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on:

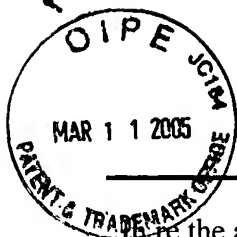
March 11, 2005

Date

Jacob G. Weintraub, M.S. Registration No. 56,469

Respectfully submitted,
LAHIVE & COCKFIELD, LLP

Jacob G. Weintraub, M.S.
Registration No. 56,469
Attorney or Agent Under 37 CFR §1.34



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the application of: David M. Bond, *et al.*

Serial No.: 10/780,907

Filed: February 17, 2004

For: *ANAESTHETIC BONE CEMENT*

Attorney Docket No.: PQI-008CPCN2

Group Art Unit: 1714

Examiner: M.B. Medley

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450


Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL 982740120 US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on the date set forth below.

March 11, 2005

Date of Signature and of Mail Deposit

By:



Jacob G. Weintraub, M.S.
Registration No. 56,469
Agent for Applicants

INFORMATION DISCLOSURE STATEMENT

Dear Sir:


For the Examiner's convenience in reviewing this continuation application, Applicants submit a consolidated PTO Form SB/08, listing all references cited during the prosecution of the parent application. References A1-A34, B1-B17, C1-C12, and C14-C18 were previously cited and submitted to the Office in U.S. Application Serial No.10/003,769, filed November 15, 2001 (Atty. Docket No. PQI-008CPCN-B), of which this application is a continuation and to which this application claims priority. In accordance with 37 CFR §1.98(d), these references are not enclosed herewith, but will be provided upon request. In

addition, this Information Disclosure Statement presents reference C13, not previously submitted to the Office, which is enclosed herewith in accordance with 37 CFR §1.97.

This statement is not to be interpreted as a representation that the cited publications are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any publication herein be construed *per se* as a representation that such publication is prior art. Moreover, Applicants understand that the Examiner will make an independent evaluation of the cited publications.

Under 37 CFR § 1.97(b)(3), no additional costs are believed to be due in connection with the filing of this disclosure. If, however, a first Office Action on the merits issues in this application bearing a mailing date prior to the date of this Information Disclosure Statement, please charge the appropriate fee as required under 37 CFR §1.17(p) to our Deposit Order Account No. 12-0080.

Respectfully submitted,
LAHIVE & COCKFIELD, LLP

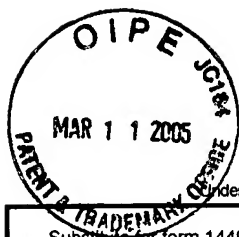


Jacob G. Weintraub, M.S.
Registration No. 56,469
Attorney or Agent Under 37 CFR §1.34

28 State Street
Boston, MA 02109
(617) 227-7400

Date: March 11, 2005

GAD/EAH/JGW/les
Enclosures



PTO/SB/08a/b (08-03)
 Approved for use through 07/31/2006. OMB 0651-0031
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/780,907
				Filing Date	February 17, 2004
				First Named Inventor	David M. Bond
				Art Unit	1714
				Examiner Name	M.B. Medley
Sheet	1	of	3	Attorney Docket Number	PQI-008CPCN2

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	A1	4,005,191	01-25-1977	Clark	
	A2	4,341,691	07-27-1982	Anuta	
	A3	4,588,583	05-13-1986	Pietsch, <i>et al.</i>	
	A4	4,718,910	01-12-1988	Draenert	
	A5	4,722,948	02-02-1988	Sanderson	
	A6	4,765,983	08-23-1988	Takayanagi, <i>et al.</i>	
	A7	4,791,150	12-13-1988	Braden, <i>et al.</i>	
	A8	4,837,279	06-06-1989	Arroyo	
	A9	4,843,112	06-27-1989	Gerhardt	
	A10	4,868,237	09-19-1989	Hoff, <i>et al.</i>	
	A11	4,900,546	02-13-1990	Posey-Dowty, <i>et al.</i>	
	A12	4,910,259	03-20-1990	Kindt-Larsen, <i>et al.</i>	
	A13	4,978,391	12-18-1990	Jones	
	A14	5,069,905	12-03-1991	Lidor, <i>et al.</i>	
	A15	5,085,861	02-04-1992	Gerhart, <i>et al.</i>	
	A16	5,100,241	03-31-1992	Chan	
	A17	5,258,420	11-02-1993	Posey-Dowty, <i>et al.</i>	
	A18	5,276,070	01-04-1994	Arroyo	
	A19	5,277,739	01-11-1994	Müller, <i>et al.</i>	
	A20	5,324,519	06-28-1994	Dunn, <i>et al.</i>	
	A21	5,334,626	08-02-1994	Lin	
	A22	5,366,756	11-22-1994	Chesterfield, <i>et al.</i>	
	A23	5,374,427	12-20-1994	Stille, <i>et al.</i>	
	A24	5,443,182	08-22-1995	Tanaka, <i>et al.</i>	
	A25	5,512,610	04-30-1996	Lin	
	A26	5,660,854	08-26-1997	Haynes, <i>et al.</i>	
	A27	5,681,873	10-28-1997	Norton, <i>et al.</i>	
	A28	5,847,046	12-08-1998	Jiang, <i>et al.</i>	
	A29	5,919,473	07-06-1999	Elkhoury	
	A30	6,020,396	02-01-2000	Jacobs	
	A31	6,080,801	06-27-2000	Draenert, <i>et al.</i>	
	A32	6,160,033	12-12-2000	Nies	
	A33	6,166,173	12-26-2000	Mao, <i>et al.</i>	
	A34	6,273,916	08-14-2001	Murphy	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/780,907
				Filing Date	February 17, 2004
				First Named Inventor	David M. Bond
				Art Unit	1714
				Examiner Name	M.B. Medley
Sheet	2	of	3	Attorney Docket Number	PQI-008CPCN2

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	B1	JP 53-015409	02-13-1978	Toray Industries		
	B2	EP 0 164 483 A1	12-08-1985	Oscobal AG		
	B3	AU 86/55167	01-21-1986			
	B4	WO 88/05650 A1	08-11-1988	Reanal Finomvegyszergyar		
	B5	EP 0 301 759 A2	02-11-1989	Pfizer Hospital		
	B6	JP 1-143829	06-06-1989	Sunstar Inc.		
	B7	JP 01-151952	06-14-1989	Yamamoto MFG		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	B8	Standard Specification for Acrylic Bone Cement. Designation F451-95, Subcommittee F04, 11, 1995.	
	B9	Total Hip Joint Replacement. NIH Consensus statement Online 1982 Mar. 1-3 4(4):1-11.	
	B10	Alexander, <i>et al.</i> Comparison of ondansetron, metoclopramide and placebo as premedicants to reduce nausea and vomiting after major surgery. Anaesthesia. 1997 Jul;52(7):695-8.	
	B11	Arac, <i>et al.</i> Prevention of aprotinin of the hypotension due to acrylic cement implantation into the bone. Curr. Ther. Res., Clin. Expo. 1980 28(4):554-557.	
	B12	Bachmann, <i>et al.</i> Intrathecal infusion of bupivacaine with or without morphine for postoperative analgesia after hip and knee arthroplasty. Br J Anaesth. 1997 Jun;78(6):666-70.	
	B13	Badner, <i>et al.</i> Intra-articular injection of bupivacaine in knee-replacement operations. Results of use for analgesia and for preemptive blockade. J Bone Joint Surg Am. 1996 May;78(5):734-8.	
	B14	Baker, <i>et al.</i> Release of gentamicin from acrylic bone cement. Elution and diffusion studies. J Bone Joint Surg Am. 1988 Dec;70(10):1551-7.	
	B15	Bayston, <i>et al.</i> The sustained release of antimicrobial drugs from bone cement. An appraisal of laboratory investigations and their significance. J Bone Joint Surg Br. 1982;64(4):460-4.	
	B16	Brien, <i>et al.</i> Antibiotic impregnated bone cement in total hip arthroplasty. An in vivo comparison of the elution properties of tobramycin and vancomycin. Clin Orthop. 1993 Nov;(296):242-8.	
	B17	Buchholz, <i>et al.</i> Antibiotic-loaded acrylic cement: current concepts. Clin Orthop. 1984 Nov;(190):96-108.	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/780,907
				Filing Date	February 17, 2004
				First Named Inventor	David M. Bond
				Art Unit	1714
				Examiner Name	M.B. Medley
Sheet	3	of	3	Attorney Docket Number	PQI-008CPCN2

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials [*]	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²	
	C1	Duncan, <i>et al.</i> The Role of Antibiotic-Loaded Cement in the Treatment of an Infection After a Hip Replacement. J. of Bone and Joint Surg. 1994 76A:1742-1751.		
	C2	Elson, <i>et al.</i> Antibiotic-loaded acrylic cement. J Bone Joint Surg Br. 1977 May;59(2):200-5.		
	C3	Enneking, <i>et al.</i> Cardiac arrest during total knee replacement using a long-stem prosthesis. J Clin Anesth. 1995 May;7(3):253-63.		
	C4	Grunтова, <i>et al.</i> Bioadhesive Preparations with Local Anesthetic Agents for Dental Use. Chemical Abstracts. 1988, April 18 108(16):Abstract No. 137849.		
	C5	Hadgraft, J. Calculations of drug release rates from controlled release devices. Internatl. J. Pharma. 1979 2:177-194.		
	C6	Hughes, <i>et al.</i> Cephalosporins in bone cement, studies in vitro and in vivo. J. Bone and Joint Surg. 1979 61-B:98-100.		
	C7	Law, <i>et al.</i> In vitro measurement and computer modelling of the diffusion of antibiotic in bone cement. J Biomed Eng. 1986 Apr;8(2):149-55.		
	C8	Marks, <i>et al.</i> Antibiotic-impregnated acrylic bone cement. J Bone Joint Surg Am. 1976 Apr;58(3):358-64.		
	C9	Murray, W.R. Use of antibiotic-containing bone cement. Clin Orthop. 1984 Nov;(190):89-95.		
	C10	Puronto, M. Hyperbaric Bupivacaine 1% (Marcaine, Carbostesine heavy) for hemi-spinal anaesthesia in orthopedic (author's transl) Anaesthesist. 1975 Sep;24(9):408-11.		
	C11	Ravin, <i>et al.</i> In vitro effects of lidocaine on anaerobic respiratory pathogens and strains of Hemophilus influenzae. Chest. 1977 Oct;72(4):439-41.		
	C12	Rosenberg, <i>et al.</i> Antimicrobial activity of bupivacaine and morphine. Anesthesiology. 1985 Feb;62(2):178-9.		
	C13	Schmidt, et al. Antimicrobial Activity of Local Anesthetics: Lidocaine and Procaine. Journal of Infectious Diseases. 1970 121(6):597-607.		
	C14	Tryba, <i>et al.</i> [Histamine release and cardiovascular reactions to implantation of bone cement during total hip replacement] Anaesthesist. 1991 Jan;40(1):25-32.		
	C15	Wasserlauf, <i>et al.</i> The release of cytotoxic drugs from acrylic bone cement. Bull Hosp Jt Dis. 1993 Spring;53(1):68-74.		
	C16	Watts, <i>et al.</i> The mechanical properties of antibiotic-loaded acrylic cement. Final Program of the Second Annual Meeting of the Society of Biomaterials. 1976, p. 69, Abstract.		
	C17	Yamashita, <i>et al.</i> Effect of bupivacaine on muscle tissues and new bone formation induced by demineralized bone matrix gelatin. Acta Anat (Basel). 1991;141(1):1-7.		
	C18	Zawadzki, <i>et al.</i> Assessment of methods of anaesthesia used for total alloplasty of hip joint with application of bone cement. Anaesth Resusc Intensive Ther. 1976 Jul-Sep;4(3):181-5.		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
--------------------	--	-----------------	--